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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,227	12/21/2001	Lee Begeja	2001-0510	4370

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EXAMINER

DYKE, KERRI M

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/026,227	Applicant(s) BEGEJA, LEE	
	Examiner Kerri M. Dyke	Art Unit 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-7,9-13,15,16 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,9-13,15,16 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

2. Claims 2-4, 8, 14 and 17-20 have been cancelled.
3. Claims 1, 9-13, 15 and 16 have been amended.
4. Claims 21-26 have been added.

Claim Rejections - 35 USC § 112

5. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 5 includes references to a movie provider, movie theater, and an encryption key, but there is no disclosure for any of these features within the specification.

Claim Rejections - 35 USC § 103

6. The indicated allowability of claims 3 and 11-13 is withdrawn in view of the newly discovered reference(s) to Regula (US 6,091,705). Rejections based on the newly cited reference(s) follow.
7. Claims 1, 6-7, 9-13, 15-16, and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. (US 6,543,053 and IEEE article published in 1997) in view of Regula (US 6,091, 705).

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8. In regards to claim 1, Li et al. discloses a method comprising: receiving a plurality of requests for unicast transmission streams; providing the plurality of unicast transmission streams (column 4 lines 65-67); synchronizing the plurality of unicast transmission streams (column 5 lines 6-8); and replacing the synchronized plurality of unicast transmission streams with a multicast stream (column 5 lines 3-4). Li et al. does not disclose the new limitation of synchronizing the plurality of unicast streams by slowing down one or more of the unicast transmission streams.

Regula discloses independently delaying each signal for synchronization in column 14 lines 33-42.

Regula and Li et al. are analogous art because both, at least in part, are directed to solving the problem of synchronizing data flows.

It would have been obvious to one of ordinary skill in the art to slow the multiple unicast streams of Li et al. using the delaying technique taught by Regula because synchronizing the data prevents the negative skew effects disclosed by Regula in column 14 lines 35-36.

9. Claims 6 and 7 disclose the same additional limitations as previously rejected claims 6 and 7 and are therefore rejected under the same grounds as set forth in the previous office action.

10. Claims 11-13 now contain the limitations of cancelled claim 8. The rejection of claim 8 can be found in the previous office action.

11. In regards to claims 11-13, Li et al. discloses the incorporated limitations of cancelled claim 8, but not differentially adjusting the delivery rate, dynamically altering each unicast, or determining when the unicasts have synchronized to the same point.

Regula discloses altering each data stream by slowing each independently in order to synchronize with a clock in column 14 lines 33-42, but it is inherently capable of using a predetermined point within a data frame for synchronization.

It would have been obvious to one of ordinary skill in the art to slow the multiple unicast streams of Li et al. using the delaying technique taught by Regula because synchronizing the data prevents the negative skew effects disclosed by Regula in column 14 lines 35-36. It is inherent that all of the unicasts have converged to the same point once the delay method of Regula is completed.

12. Claims 9-10, 15-16, and 21-26 disclose the same additional limitations as previously rejected claims 9-10 and 15-16 and are therefore rejected under the same grounds as set forth in the previous office action.

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. published as US patent 6,543,053 (and IEEE article published in 1997) in view of Regula (US 6,091, 705) further in view of Cooper et al. (US 5,563,946).

In regards to claim 5, Li et al. and Regula disclose the method of claim 1, but not wherein a single movie provider and a single movie theater share a single encryption key not shared by an other movie provider and movie theater.

The Cooper et al. patent discloses a method for transferring data between a source and destination, such as a movie theater and provider, wherein the encryption key is based upon a unique machine identification code, and is therefore unique for every machine pairing.

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It would have been obvious to one of ordinary skill in the art to use the unique encryption method taught by Cooper et al. to protect the multiple streams taught by Li et al. and Regula because it prevents the breaches of security described in column 2 lines 10-24 of Cooper et al.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Dyke whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Friday, 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kmd


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2667
10/26/05